

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRANDON DONALD,

Plaintiff,

vs.

WALMART,

Defendant.

8:16-CV-508

MEMORANDUM AND ORDER

This matter is before the Court on its own motion, and on the defendant's motion to dismiss ([filing 7](#)). The Court declines to exercise its jurisdiction over this case, and dismisses the case on its own motion.

In its motion to dismiss, the defendant called attention to the fact that this case is functionally identical to another, earlier-filed case that the plaintiff has pending against the defendant in this Court, No. 8:16-cv-201. [Filing 8 at 4](#); *compare filing 1-1 with No. 8:16-cv-201 filing 1*. But, as a general policy, duplicative litigation in federal courts should be avoided. *Missouri ex rel. Nixon v. Prudential Health Care Plan, Inc.*, 259 F.3d 949, 953 (8th Cir. 2001) (citing *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976)). Plaintiffs may not pursue multiple federal suits against the same party involving the same controversy at the same time. *Id.* at 954. And federal courts may decline to exercise their jurisdiction in order to prevent duplicative litigation. *Id.* at 952.

Specifically, "a district court may, for reasons of wise judicial administration, dismiss one of two identical, pending actions." *Id.* at 953 (quotation omitted); see *Parker v. Matthews*, 71 F. App'x 613, 614 (8th Cir. 2003). A plaintiff has no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant. See *id.* Accordingly, the Court concludes that this case should be dismissed in favor of the earlier-filed case. Cf. *Anheuser-Busch, Inc. v. Supreme Int'l Corp.*, 167 F.3d 417, 419 n.3 (8th Cir. 1999); cf. also *Parker*, 71 F. App'x at 614.

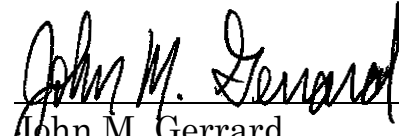
IT IS ORDERED:

1. The plaintiff's complaint is dismissed.

2. The defendant's motion to dismiss ([filing 7](#)) is denied as moot.
3. A separate judgment will be entered.

Dated this 23rd day of December, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge